

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

In re:  
THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO  
RICO,  
as representative of  
THE COMMONWEALTH OF PUERTO  
RICO, et  
al.,  
Debtors.

PROMESA  
Title III  
Case No.: 17 BK 3283-LTS  
  
(Jointly Administered)  
  
This filing relates to the  
Commonwealth, ERS, HTA, and PBA.  
  
Claim No. 59396  
  
Claimant: Pharma Bio Serv PR Inc.

**MOTION REQUESTING LEAVE TO FILE**  
**CLAIMANT’S RESPONSE TO OMNIBUS OBJECTION BECAUSE**  
**INADEQUATE AND INCOMPLETE NOTICE WAS RECEIVED LATE BY**  
**CLAIMANT AFTER THE ESTABLISHED DEADLINE**  
**HAD ALREADY PASSED**

TO THE HONORABLE COURT:

COME NOW creditor Pharma Bio Serv PR Inc. (hereinafter “Pharma” or “Claimant”), through the undersigned counsels, and very respectfully STATE and PRAY as follows:

1. On June 7, 2018, Pharma filed a proof of claim. The claim no. is 59396.
2. On May 23, 2023 Pharma received **a single sheet of paper** indicating the following: “If your claim is listed here, one or more of your debtors are seeking to disallow your claim for the reason listed below.” See **Exhibit 1**. In addition

to 2 additional sentences indicating the reason of the debtor for the claim to be disallowed, **this is basically all that was notified to the claimant and that was received by it on May 23, 2023.**

3. Pharma diligently tried to obtain information of this case, since no information was provided in the notice received, because only a single paper, with very limited information, containing probably no more than 150 words, was received. Not even a case docket number was notified; only the original claim number filed in the year 2018.
4. After several attempts of the undersigned attorney on behalf of Pharma, trying to contact a human being at the telephone numbers provided in such paper received (Exhibit 1), it was yesterday, June 21, 2023, that we were able to have someone respond the telephone and were able to contact Ms. Lisa O. (who informed that she was not allowed to provide her lastname). Thus, yesterday, Pharma received for the first time more information that what was not included with the **Exhibit 1** of this motion, including a case number, and how to proceed to file a response.
5. Ms. Lisa O. looked for information on a website of “Kroll Restructuring Administration” and informed the undersigned attorney that according to information that she was able to review on this website, there was a deadline for Pharma to submit any response to the omnibus objection by May 22, 2023, and that where was a hearing scheduled for June 7<sup>th</sup>, 2023. **This information was**

- never received or notified before yesterday to the claimant / creditor Pharma.
6. This is new information for Pharma, since the Claimant did not receive any notice prior to May 22, 2023, informing about such deadline that was informed yesterday, June 21, 2023, for the first time, via telephone call, by Ms. Lisa O. to the undersigned attorney. Also, Pharma did not receive any instructions or information concerning the required proceeding to respond to the debtor's objection to the debt.
  7. Yesterday we were guided by Ms. Lisa O. to a website containing a PDF document online that indicates in 207 pages the instructions for filing a response. The document that was mentioned yesterday for the first time, and for which an online reference was provided to the same via telephone, is Docket / Doc#: 24050-19 of the above-captioned case no. 17-03283-LTS, and from the Court stamp at the top of each page it seems that "Desc: Exhibit R" may also be relevant to this filing.
  8. The notice received by Pharma [See **Exhibit 1**] failed to inform: (1) a case name; (2) a case number and/or docket number; (2) a procedure or the requirements to file a response; (3) where and how to file the response; (4) any attorneys to be notified about the response; (5) any other information necessary to adequately file a response in a timely manner.
  9. A response could not be properly filed and served by Pharma in compliance with the requirements established in the notice provided yesterday through

**a telephone call**, because no timely and adequate notice was received by the creditor Pharma before May 22<sup>nd</sup>. Therefore, Pharma was neither able to participate of the hearing on the Omnibus Objection held on June 7, 2023, before the Honorable Laura Taylor Swain at the United States District Court for the District of Puerto Rico.

10. In view of the above, **Pharma hereby requests from this Honorable Court a period of 20 days, to be counted from the date that the Court Order is issued, to file its response to the objection presented by the debtor, after Pharma received adequate notice for the first time yesterday, June 21, 2023, via telephone.**

11. Failure to appear before the Court and/or to file a response was not due to Pharma's negligence, since it never received notice prior to the deadline established, and because **it received incomplete and inadequate notice (just one single paper / sheet) on May 23, 2023 in an envelope coming from "Kroll Restructuring Administration"**. However, Pharma was not able to contact anyone until yesterday, at the phone numbers provided, despite its efforts calling such numbers and only hearing unhelpful recordings from a machine without a human being answering. Pharma called 2 times before yesterday to obtain more information about the case, to obtain the Docket number of this case, and to be adequately informed about the proceedings to file a response. Yesterday, June 21, 2023, was the first time that it received a

response from someone after its previous calls, and after leaving a voice message.

**12. A review of the Court Docket listing shows in Document / Docket No. 24618**

**that the attorney for the Commonwealth of Puerto Rico filed a certificate of service for Docket No. 24050 yesterday, June 21, 2023, months after the filing of its omnibus objection. However, Pharma was not adequately served.**

**13. Constitutional due process calls for an opportunity to Pharma to respond**

**to debtor's claims of supposedly having "no outstanding liabilities associated with these invoices in the agency's system." Because of inadequate and untimely notice sent to Pharma, it was not able to file on time a response by the established deadline**, despite all the evidence in Pharma's possession demonstrating the numerous times that the invoices were sent to the debtor and the multiple communications between the parties, showing that debtor did have and/or is supposed to have such "outstanding liabilities associated with [Pharma's] invoices in the agency's system."

**14. Pharma would use the opportunity hereby requested from this Honorable Court**

**to provide the reasons for opposing the Omnibus Objection, to provide the supporting documentation and evidence showing all the communications between the debtor and the claimant / creditor, which demonstrate that the agency's claim of "not having outstanding liabilities in its system" is baseless and unfounded.**

15. In compliance with the Court Order reviewed [Doc#:24050-19], it is hereby informed that the responding claimant is Pharma Bio Serv PR, Inc., and the office in charge is Mr. Pedro Lasanta, Chief Financial Officer, with the following postal and physical address: 6 Road 696, Dorado, Puerto Rico, 00646-3306; Telephone (787) 396-0855; Fax: (787) 796-5168; Email: [plasanta@pharmabioserv.com](mailto:plasanta@pharmabioserv.com). This would be “the party with authority to reconcile, settle, or otherwise resolve the Omnibus Objection on the claimant’s behalf.”

WHEREFORE, it is respectfully requested from this Honorable Court, after good cause has been shown, that a time period of 20 days is allowed to Pharma, until July 10, 2023, to file its response to the objection presented by the debtor, after having received adequate notice for the first time on June 21, 2023.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 22<sup>nd</sup> day of June, 2023.

WE HEREBY CERTIFY THAT the undersigned counsels electronically filed the present document with the Clerk of the Court using the CM/ECF System, which in turn will send notification of this filing to all attorneys of record.

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S/ CARLOS R. PAULA  
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